

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JUAN FRANCISCO ZELAYA PONCE, :
JUAN CARLOS CASTILLO :**

v. :

: CIVIL ACTION NO. 21-2596

PHILLY TILE, INC., KYLE PERLMAN :

ORDER

AND NOW, this 13th day of February 2023, following today's hearing set in Judge Rufe's February 6, 2023 Order (ECF Doc. No. 38) during which Kyle Perlman appeared and attempted to comply with Judge Rufe's November 30, 2022, December 7, 2022, and January 3, 2023 Orders (ECF Doc. Nos. 21, 23, 24, 32), mindful Judge Rufe found Kyle Perlman disobeyed her Orders by failing to appear at hearings, mindful of the present judgment in favor of the Plaintiffs and against Philly Tile, Inc. and Kyle Perlman (ECF Doc. No. 32), after weighing Kyle Perlman's credibility, and the parties having agreed to terms which will satisfy the judgment, it is **ORDERED**:

1. We **VACATE** the Bench Warrant for failure to appear at earlier hearings subject to strict compliance with this Order;

2. We modify, with the parties' consent, the January 3, 2023 Judgment (ECF Doc. No. 32):

a. We enter **JUDGMENT** in the favor of Plaintiffs and against Philly Tile, Inc. and Kyle Perlman in the amount of **\$21,000.00** payable according to their agreed terms:

i. \$1,000 delivered on or before **February 20, 2023** to Plaintiffs' counsel;

ii. \$2,500 delivered on or before **April 6, 2023** to Plaintiffs' counsel; and,

iii. \$2,500 delivered on or before **May 5, 2023** and every thirty days thereafter to Plaintiffs' counsel until satisfaction of this Judgment;

b. Time is of the essence on all obligations requiring Kyle Perlman and Philly Tile, Inc. to timely make agreed payments with a ten day cure period to satisfy a payment default without

necessity of notice in writing;

c. Kyle Perlman's failure to timely pay each obligation under this Order shall accelerate the balance of the \$21,000.00 balance due and owing;


3. Philly Tile, Inc. and Kyle Perlman shall satisfy the obligations of this Judgment and then require Plaintiffs to file a Notice of Satisfaction:

a. Upon paying \$19,500 in strict compliance with the dates and terms of this Order;

b. Demonstrating repeated good faith cooperation and efforts to remove all negative references to the Plaintiffs or their counsel on a public website including reporting their ongoing efforts to the Plaintiffs' counsel no later than **February 20, 2023** and every fourteen days thereafter until removal of the remaining negative references or the parties agree further efforts are futile;

c. Vigilantly ensuring Plaintiffs' counsel has notice of Kyle Perlman's present address in Fort Lauderdale, Florida with phone number as detailed in open Court today and provide the Plaintiffs' counsel with Notice of a change of address within twenty-four hours of a change of address or phone number during the term of his obligations under this Order; and,

4. Nothing in this Order affects obligations under the settlement agreement other than those altered by this Order.



KEARNEY, J.